

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Planning Commission

**SUBJECT:** SEE BELOW

**DATE:** February 28, 2008

---

**COUNCIL DISTRICT:** 6

**SNI AREA:** N/A

**SUBJECT:** PDC07-079. Planned Development Rezoning from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single-family residential on a 0.4 gross acre site.

## RECOMMENDATION

Planning Commission voted 4-1-1-1 (Kalra opposed, Platten absent, and Kamkar abstained) to recommend that the City Council approve the proposed Planned Development Rezoning from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single-family, detached residences on a 0.4 gross acre site located on the southwest corner between Keesling Avenue and Hamilton Way.

## OUTCOME

Should the City Council approve the Planned Development Rezoning, three new single-family detached residences may be built on the subject 0.4 gross acre site, consistent with the development standards for the subject rezoning. This future development would be subject to a Planned Development Permit.

## BACKGROUND

On August 4, 2007, the applicant, Robert Cullen, filed an application for a rezoning from R-1-8 Single Family Residence to A(PD) Planned Development to allow up to three single-family detached residences on a 0.4 gross acre site. A Planned Development Rezoning is required because the developer has proposed to subdivide and develop the property in a configuration that is not supported in any of the City's conventional residential zoning districts.

Staff made a brief presentation regarding the project, noted public testimony and petitions received in opposition to the project (see attached), and stated that setbacks and other requirements are similar to or greater than typical R-1-8 standards.

## **Public Testimony**

The applicant presented the proposal to the Planning Commission, highlighting that the design provided four parking spaces per unit on site, plus one extra guest space. He noted that the plan retained all redwood trees in the site plan and stated three moderate-sized homes are better than one 8,000 square foot house that could be permitted with a building permit.

Seven area residents spoke and expressed concerns about the existing congestion on narrow public streets, parking spill-over onto Keesling, a dangerous bend in road with several accidents, privacy issues for new two-story houses overlooking existing homes and yards, and fences which will block views of existing residents and block sunlight from an existing garden.

The applicant explained the nature of proposed courtyard parking allowed all vehicles to exit facing forward, with no back out onto the street required. In response to Commissioner Zito, the applicant stressed that the courtyard design increased safety, maximized parking, and preserved trees. He also noted that no driveways onto Hamilton were allowed due to a City-sponsored improvement project for pedestrian enhancement and landscaping on Hamilton.

In response to Commissioner Kinman's question on rolled curbs, the applicant stated that the rolled curb currently on Keesling would be replaced with standard City curbs, similar to those being installed on Hamilton Avenue and Way.

## **Commission Discussion**

Staff responded to setback concerns, noting that the 8-foot setback on Lot 1 is bigger than the typical 5 foot setback required by right in the current zoning district. Staff also noted that the conceptual floor plans for the second story have bathrooms and closets on the sensitive elevation, with no overlook into adjacent rear yards, thereby helping to reduce privacy concerns. Staff commented that the grade difference of 3.7% slope would be handled with existing retaining walls and with the proposed driveway slope, and the greatest difference in the pad heights of the proposed court home lots is two feet. Staff commented that the existing width of Keesling is pre-existing and noted that since the project is within 150 feet of the public street, the Fire Department trucks would not need an on-site turn-around. Staff noted that the density conforms to General Plan and to R-1-8 Zoning District standards, and the lots proposed are a transition between adjacent apartments and larger single-family lots. Staff noted that ample parking would be provided for the use and that cars could turn around on-site and exit facing forward. Staff noted extensive work with applicant to keep most trees and plant replacement trees.

In response to Commissioner Zito's concerns regarding the creation of an isolated community, staff explained that front doors on two units face onto Keesling, even though the driveway is in a court design. Commissioner Zito asked if two units could be proposed. Staff noted that the original proposal was for four units and included the vacation of a portion of Hamilton Avenue and Way, and that the proposal had been reduced to three units by the applicant in response to concerns.

In response to Commissioner Kinman's comment about whether shade pattern had been studied, staff stated there was no requirement and indicated as house designs are finalized, issues between privacy, landscaping, and shade trees can be balanced with neighbors. In response to Commissioner Jensen, staff noted that along Hamilton Way, street improvements are under construction with a standard sidewalk, but landscaping will be considerably more than typical in a park strip.

Commissioner Kinman recommended approval of the three-unit project, as recommended by staff, noting that she understands the concerns of residents, but has to balance the traffic safety issue, and the courthome design best suits the traffic safety issue. Commissioner Jensen stated concern about "inward focus" of courtyard, but noted plans only conceptual and perhaps individual driveways could be considered. She stated that the applicant could have proposed something more incompatible, that these are not monster houses, that the design is not fully set, and that staff will continue to work with neighbors at the permit stage.

Commissioner Zito thanked the neighbors and commented that the project had been reduced in scope and stated that new single-family lots bigger than 2,000 square feet are rare. He noted that this could have been more dense townhouse or condominium project, and he recommended ongoing dialogue at permit stage.

Commissioner Kalra noted some issues raised by the community are not the fault of applicant, but he stated that the site is more appropriate for two units. He expressed his understanding that the project meets the General Plan density, but he suggested that staff look to reduce the density to two units so that no unit would be isolated in the corner.

### **POLICY ALTERNATIVES**

Not applicable.

### **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. A sign was posted on-site to notify the neighbors of the proposal and this staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

### **COORDINATION**

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney.

### **FISCAL/POLICY ALIGNMENT**

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

### **COST SUMMARY/IMPLICATIONS**

Not applicable.

### **BUDGET REFERENCE**

Not applicable.

### **CEQA**

CEQA: Exempt

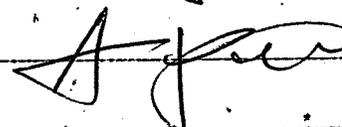
*for Susan Walton*  
JOSEPH HORWEDEL, SECRETARY  
Planning Commission

For questions, please contact Jeannie Hamilton at 408-535-7850.

Petition attached.

# 1500 KEESLING AVE

Please do not build 3 Homes where once stood ! There is too much traffic and parked cars on this street already. Please do not add to the congestion -

name	ADDRESS
A Gina Millett	1503 Keesling Avenue
Richard Hard	1507 Keesling Ave #0
Mr Harry Figueroa	1509 Keesling Ave
Joann Landers	1514 Alta Glen Dr # 7 95125
GRAYDON HASKETT	1524 Keesling Ave San Jose 95125
Elaine Brazelton	1512 KEESLING AVE SJ
Scue Mulcaster	1554 Keesling Ave 95125
Vince Milewski	1571 Keesling Ave 95125
BRIAN MOSS	<del>1580 KEESLING AVE.</del>
Brett Jennings	1517 Keesling Ave 95125
Rebecca Jennings	1517 Keesling Ave 95125
Julia Johnson	1550 Keesling Ave 95125
Lycor Wallis	1543 Keesling Ave 95125
Alex & Georganna Putintser	 1507 Hamilton
KEN WONG	1515 KEESLING AVE. SJ.
JOHN ASKINS	1564 Keesling Ave
BARBARA KLEIN	1564 KEESLING AVE, SJ
Alice Haskett	1524 Keesling Ave, S.J.
Terry Schmidt	1549 Keesling Ave, SJ
Robyn L. Milewski	1571 Keesling Ave. San Jose 95125

RE: 1500 Keesling

Please do not build 3 Homes  
Where once stood 1. There is  
too much traffic and parked  
cars on this street ALREADY. Please  
do not add to congestion on this  
narrow street.

name	ADDRESS
Christen Wallis	1543 Keesling Ave
Cynthia Goodwin	1570 Keesling Ave.
SEAN MULCASTER	1554 KEESLING AVE
Patricia C. Kest	1567 KEESLING AVE
Marilyn Slack	1578 Keesling Ave.
<del>John D.</del>	1578 Keesling Ave.
Ron Burns	1482 Hamilton Way
Chris Hasbitt	1524 Keesling Ave.

**STAFF REPORT**  
**PLANNING COMMISSION**

**FILE NO.:** PDC07-079

**Submitted:** 10/04/07

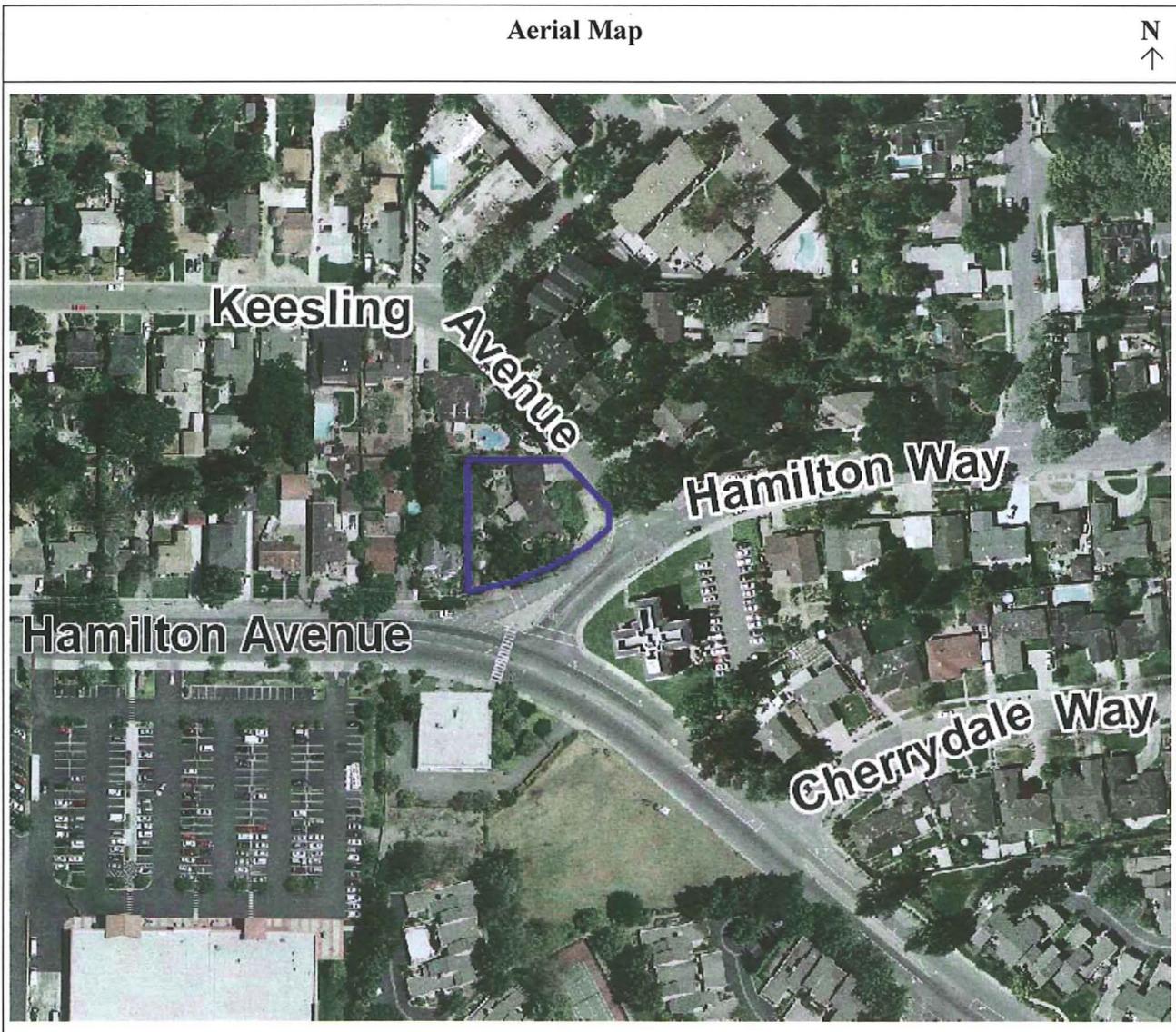
**PROJECT DESCRIPTION:**

Planned Development Rezoning from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single-family, detached residential units on a 0.4 gross acre site.

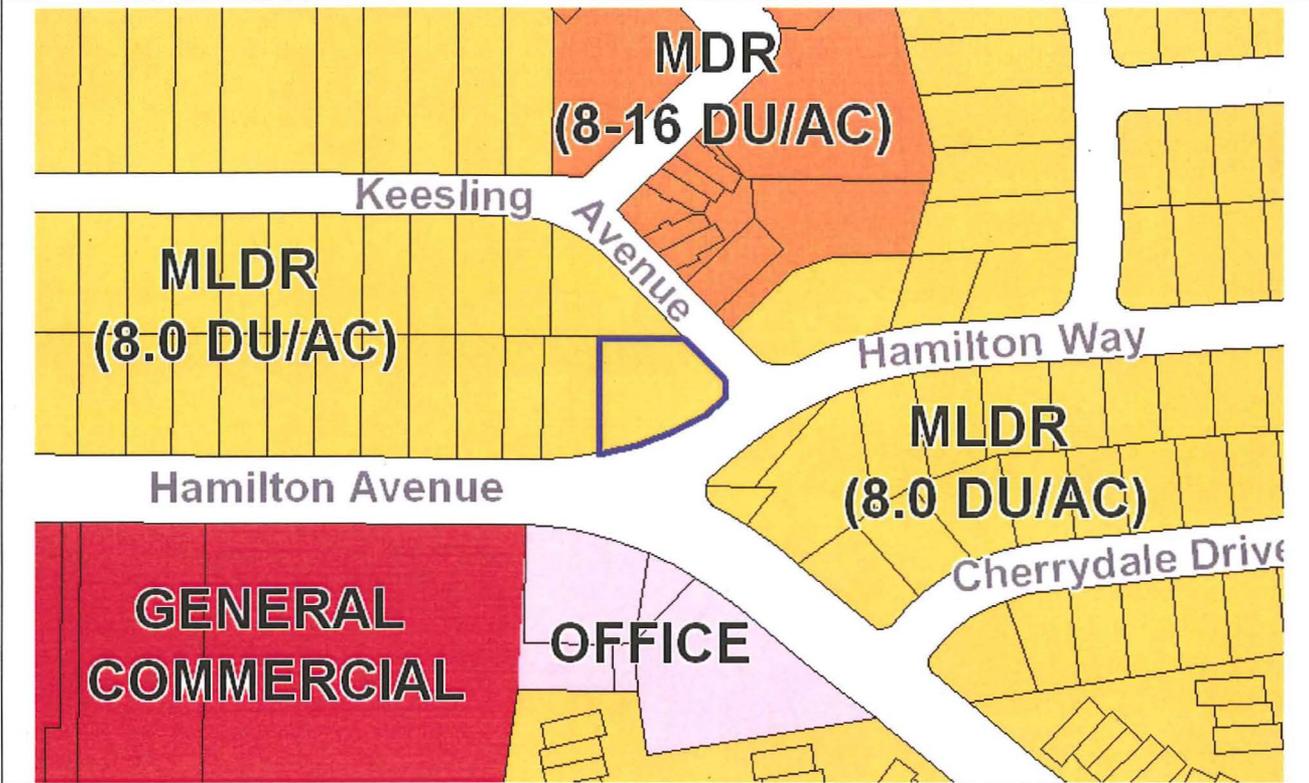
Existing Zoning	R-1-8 Single Family Residential
Proposed Zoning	A(PD) Planned Development
General Plan	MLDR (8.0 DU/AC)
Council District	6
Annexation Date	02/01/1986
SNI	N/A
Historic Resource	N/A
Redevelopment Area	N/A
Specific Plan	N/A

**LOCATION:**

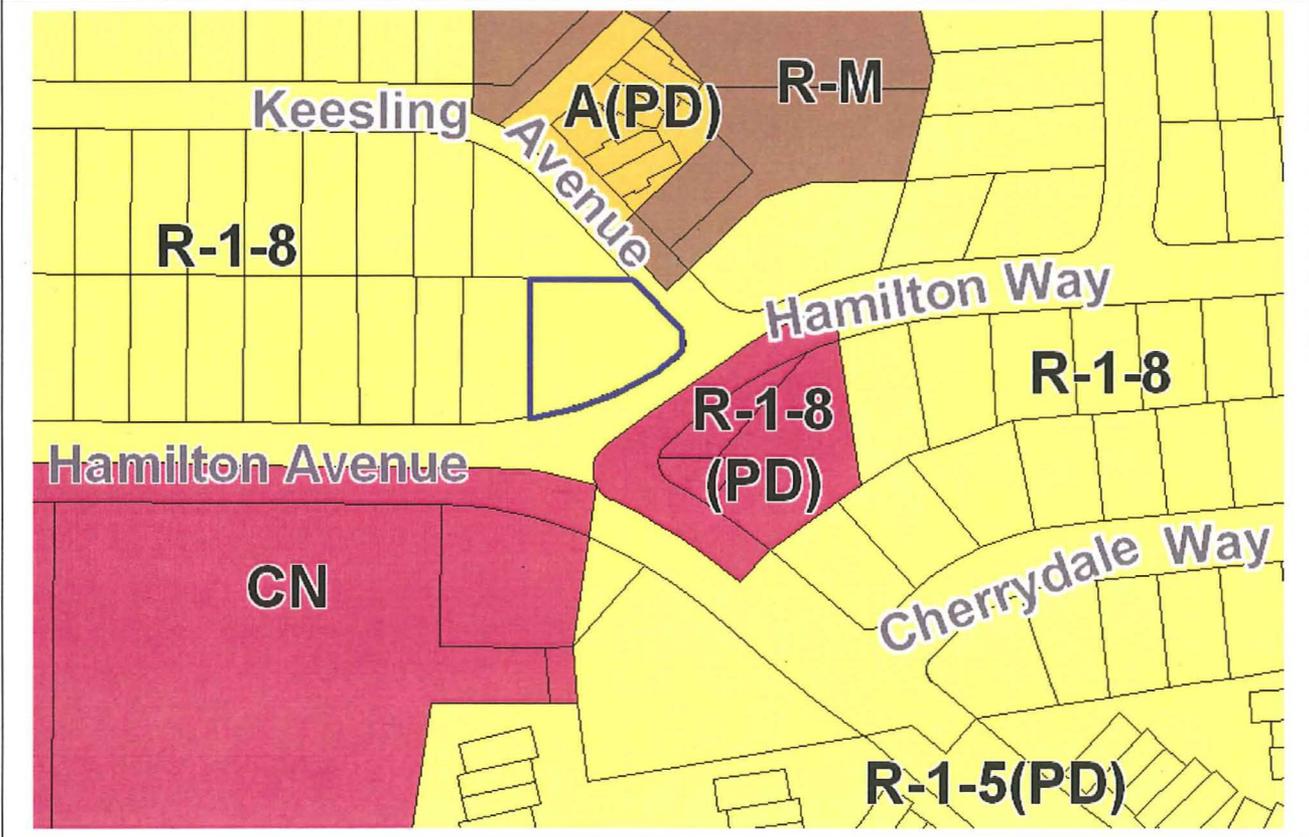
Southwest corner between Keesling Avenue and Hamilton Way (1500 Keesling Avenue)



**GENERAL PLAN**



**ZONING**



## **RECOMMENDATION**

Planning staff recommends approval of the proposed Planned Development Rezoning for the following reasons:

1. The proposed project is consistent with the site's San José 2020 General Plan Land Use/Transportation designation of Medium Low Density Residential (8.0 DU/AC) with a proposed density of 7.5 DU/AC.
2. The proposed zoning is compatible with existing uses on the adjacent and neighboring properties.
3. The proposed project is in conformance with the Single Family & Residential Design Guidelines.

## **BACKGROUND & DESCRIPTION**

The applicant, Robert Cullen, submitted for a Planned Development Rezoning to allow the subdivision of one lot into three lots and the construction of three new single-family detached residences, in a court home configuration, on 0.4 gross acres, at the southwest corner between Keesling Avenue and Hamilton Way. A Planned Development Rezoning is required because the developer has proposed to subdivide and develop the property in a configuration that is not supported in any of the City's conventional residential zoning districts.

## **ANALYSIS**

The proposed Planned Development Rezoning would facilitate development of three single-family detached units. The primary issues associated with the proposed project are environmental review, General Plan conformance, and conformance with the Single Family and Residential Design Guidelines with regards to site design, setbacks, open space, parking and architecture.

### *Environmental Review*

Under the provisions of Section 15303(a) of CEQA, this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended, in that it is for a total of three residential dwelling units and there are no significant environmental effects associated with the project or the site.

### *General Plan Conformance*

The subject property has a land use designation of Medium Low Density Residential (8.0 DU/AC) on the San José 2020 General Plan Land Use/Transportation Diagram. The proposed development at 7.5 DU/AC is consistent with this designation.

This proposal is also in conformance with the General Plan Residential Land Use Policies in that 1) the land to be used for the future development will be fully and efficiently utilized to maximize housing stock to the greatest extent feasible, 2) the project is integrated with the surrounding uses to blend in with the neighborhood, 3) consistent architectural themes have been integrated into the design, and 4) the building scale does not overwhelm the neighborhood.

The project conforms to the General Plan Housing Major Strategy, which seeks to provide a variety of housing opportunities, and the Growth Management Major Strategy, which encourages infill development within urbanized areas to achieve the most efficient use of urban facilities and services.

### *Design Guideline Conformance*

The proposed project can be defined as a courthome development per the Residential Design Guidelines. The Residential Design Guidelines have standards specifically applicable to courthome developments. Given the proposed lot sizes of more than 5,445 square feet each, some standards for single-family detached residences are more applicable. Therefore, the Single Family Design Guidelines are relevant, especially in regards to compatibility with the adjacent residences. However, since neighborhood compatibility is also a component in the Residential Design Guidelines, it is this set of Guidelines that has predominantly directed staff's review of the project.

### Site Design

As proposed, two of the three new residences would face onto Keesling Avenue. The third residence would be oriented towards, and be accessed from, the common courtyard. Each of the residences is proposed to have an attached garage that would be accessed from the courtyard, so that the garage doors are effectively hidden from view from the public street.

### Setbacks

This project conforms to the standards set forth for court home residential development as recommended in the City's Residential Design Guidelines. It is the intent of the guidelines to promote the development of new residences that will blend into the existing surroundings as well as to protect the adjacent residences from negative impacts. In general, sensitive interfaces are considered to be those areas where a new development will have a direct visual impact or affect quality of life of adjacent properties and/or residents.

The proposed setbacks are 8 feet from the northern property line and 5 feet from the western property line, adjacent to single-family side yards. The proposed setback from Keesling Avenue, considered the front, is 20 feet. The proposed setback from Hamilton Way, considered the corner side, is 11 feet. These setbacks meet or exceed the setbacks called for of the Residential Design Guidelines and are compatible with the development patterns in the neighborhood.

### Parking

The proposed development would include the construction of three, detached two-car garages. Along with capacity for two guest parking spaces in each of the three driveways, there are two parking spaces available on the street. So a total of 14 spaces are available for residents and their guests. The Zoning Ordinance calls for two covered parking spaces per unit, which this project exceeds. The Residential Design Guidelines recommend three spaces per unit, exclusive of the driveway apron space. This would result in the requirement of nine garage or on-street spaces. With just two on-street spaces on Keesling Ave., the project provides 8 non-driveway apron spaces. While this does not strictly meet the standard from the Residential Design Guidelines, with the project providing two side-by-side apron spaces for each unit rather than one, staff believes that the four on-site spaces for each unit plus the two on-street spaces are ample to accommodate the future residents and guests.

### Open Space

The Residential Design Guidelines specify that only 400 square feet of private open space per unit is needed for each courthome in a project of this size. However, since the proposed lot sizes range between 5,485 and 6,226 square feet, open space recommendations for single-family detached residences are more appropriate. The Single Family Design Guidelines do not address open space, and the Residential Design Guidelines technically do not apply to lots greater than 6,000 square feet. However, the Residential Design Guidelines do call for a minimum of 1,000 square feet of private open space for each single-family detached unit with a lot size between 5,000 and 6,000 square feet. As proposed, each residence

would have open space in excess of this standard. Private open spaces would range in size from 1,100 square feet to 1,560 square feet.

### **PUBLIC OUTREACH/INTEREST**

Staff followed Council Policy 6-30: Public Outreach Policy. A sign was posted at the site to notify neighbors of the proposed development. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

Neighbors have expressed concern regarding the project being over-crowded, causing traffic congestion, disrupting the environment during construction, impacting privacy, and affecting property values. See attached correspondence for more information. The proposed density is in conformance with the General Plan designation. Staff believes the site design with the single driveway will prevent traffic from backing up on Hamilton Way. Standard measures will be included at the Planned Development Permit stage regarding construction hours and containment of dirt and debris. The development standards are structured similarly to those allowed in conventional Residential Zoning Districts. The conceptual site plan shows very little living space impacting sensitive interfaces, such as single-family rear yards.

**Project Manager:** Avril Baty      **Approved by:** Susan Walton      **Date:** February 20, 2008

<b>Owner/Applicant:</b>	<b>Attachments:</b>
Robert Cullen 1650 The Alameda San José, CA 95126	Development Standards Environmental Exemption Final Public Works Memo Public Correspondence Reduced Plan Set

## PDC07-079 General Development Plan Notes

### Development Standards

- Permitted Uses: Permitted uses shall be up to three (3) single-family detached residential units (total) and those permitted uses of the R-1-8 Single-Family Residence Zoning District, as amended. Conditional and Special uses of the R-1-8 Single-Family Residence Zoning District are allowed with the issuance of a Planned Development Permit.
- Maximum Building Height: 30 feet and two (2) stories, as defined in the Zoning Ordinance, as amended.
- Minimum Lot Size: 5,445 square feet
- Parking Requirements: (2) covered spaces per unit.
- Setbacks:
- Northern property line: 8 feet
  - Southern property line: 11.5 feet (adjacent to Hamilton Way)
  - Eastern property line: 20 feet (adjacent to Keesling Avenue)
  - Western property line: 5 feet for Parcel 2, 20 feet for Parcel 1
  - Porches and decks: Unenclosed porches and decks may extend into setback areas not more than five (5) feet and can be covered, subject to the discretion of the Director of Planning.
  - Stairs: Stairs may project 10 feet into easterly setback area (adjacent to Keesling Avenue), subject to the discretion of the Director of Planning.
- Minor architectural projections: Minor architectural projections such as fireplaces and bay windows, may project into any setback or building separation by up to 2 feet for a length not to exceed 10 feet or 20 percent of the building elevation length.

**Water Pollution Control Plant:** Pursuant to Part 2.75 of Chapter 15.12 of the San Jose Municipal Code, no vested right to a building permit shall accrue as the result of the granting of any land development approvals and applications when and if the city manager makes a determination that the cumulative sewage treatment demand on the San Jose – Santa Clara water plant will cause the total sewage treatment demand to meet or exceed the capacity of the San Jose – Santa Clara water pollution control plant to treat such sewage adequately and within the discharge standards imposed on the city by the state of California regional water control board for the San Francisco Bay region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approving authority.

**Archaeology:** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner

shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

**Tree Removals:** Trees removed shall be replaced at the following ratios:

Diameter of Tree to be Removed	Type of Tree to be Removed		Minimum Size of Each Replacement Tree
	Native	Non-Native	
18 inches or greater	5:1	4:1	24-inch box
12 - 18 inches	3:1	2:1	24-inch box
less than 12 inches	1:1	1:1	15-gallon container

x:x = tree replacement to tree loss ratio

**Note:** Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees.

The species and exact number of trees to be planted on the site will be determined at the development permit stage, in consultation with the City Arborist and the Department of Planning, Building, and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage.

**Parkland Dedication Ordinance:** The project shall conform to the requirements of the Parkland Dedication Ordinance.

**Accessory Structures & Buildings:** Retaining walls shall not exceed four (4) feet in height from grade to top of wall. All other accessory structures and buildings shall meet the requirements of the Zoning Ordinance Section 20.30.500, as amended.

**Fencing:** All fencing and gates on the subject site shall not exceed three (3) feet in height within the 20-foot setback adjacent to Keesling Avenue. Within the corner triangle at the southwest corner of the property, the maximum fence height shall be three feet. That triangle is defined as: the southwest corner of the property; to a point on the southerly property line, 15 feet easterly of the corner; and a point on the westerly property line, 12.5 feet northerly of the corner. All other fencing shall not exceed seven (7) feet in height.

**Public Off-Site Improvements:** All public off-site improvements shall be implemented to the satisfaction of the Director of Public Works. Prior to the issuance of building permit(s), the applicant shall be required to obtain a Public Works clearance. Said clearance will require the execution of a Construction Agreement that guarantees the completion of the public improvements.

**Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29), which requires

implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures shall meet the numeric sizing design criteria specified in City Policy 6-29.

**STATEMENT OF EXEMPTION**

**FILE NO.** PDC07-079

**LOCATION OF PROPERTY** 1500 Keesling Avenue (southwest corner between Keesling Ave and Hamilton Way)

**PROJECT DESCRIPTION** Planned Development Rezoning from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single family residential on a 0.4 gross acre site.

**ASSESSOR'S PARCEL NUMBER** 429-47-001

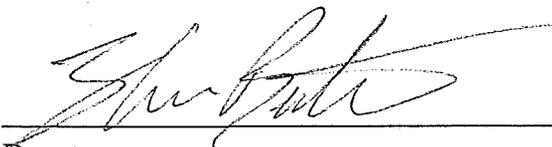
**CERTIFICATION**

Under the provisions of Section 15303(a) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended.

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Examples of this exemption include but are not limited to: one single-family residence, or a second dwelling unit in a residential zone. In urbanized areas, up to three single-family residences may be constructed or converted under this exemption.

This project qualifies for this exemption in that it is for three new single-family, detached residences in an area that is already developed and urbanized.

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

  
Deputy

Date January 28, 2008

Project Manager: Avril Baty

**Baty, Avril**

---

**From:** BJ King [talkspirit@sbcglobal.net]  
**Sent:** Monday, February 18, 2008 4:25 PM  
**To:** avril.baty@sanjoseca.gov  
**Subject:** Project PDC07-079

Good Afternoon,

I live on Alta Glen Drive at Keesling across from the proposed construction. I totally object to building 3 homes on that site. The area is over crowded as it is and the disruption to traffic, the noise, dirt and congestion from the construction over several months period of time will be unbearable. 3 houses on less than a half acre makes not sense. I totally object to the project and trust it will be withdrawn.

Thank you,

Ms. B.J. King  
1514 Alta Glen Dr. #9  
San Jose, CA 95125

2/19/2008

## Baty, Avril

---

**From:** amy wagner [amywagner@comcast.net]  
**Sent:** Thursday, October 25, 2007 6:45 PM  
**To:** avril.baty@sanjoseca.gov  
**Subject:** Planning Department

Project Manager: Avril Baty

Traffic issue: The traffic is very busy on Hamilton. This project is for the addition of at least 4 extra cars going in and out onto Hamilton. Already persons crossing the street become targets for fast moving traffic.

Name: amy wagner  
Email: amywagner@comcast.net  
Telephone Number: 408 287 1818

Web Server: www.sjpermits.org  
Client Information: Mozilla/5.0 (Macintosh; U; PPC Mac OS X; en)  
AppleWebKit/419.3 (KHTML, like Gecko) Safari/419.3

**Baty, Avril**

**From:** Ageput@aol.com  
**Sent:** Sunday, February 17, 2008 3:18 PM  
**To:** mayoremail@sanjoseca.gov  
**Cc:** peirluigi.diverio@sanjoseca.gov; avril.baty@sanjoseca.gov  
**Subject:** Objection to Planning Dept Proposal PDC07-079, District 6, Quad 99 expansion

Mayor Chuck Reed  
San Jose, California

Dear Sir:

The address 1500 Keesling ave is a lot of one single home that has been in the Willow Glen for over 50+ years. The block consists of single family residential properties with an already congested traffic issue. An additional three homes on the single home lot on Keesling Avenue and by Alta Glen Drive, where already 5 apartment complexes, 4 town home complexes will cause additional traffic constraints to the Keesling Avenue, Alta Glen Drive, Pine >Hamilton Avenue, Hamilton Way streets.

We are against the 3 home Planning Department Proposal File No PDC07-079, District 6, Quad 99 on 1500 Keesling Avenue, due to the following impacts to us and to our neighbors:

- 1) privacy
- 2) blocking the View
- 3) blocking the morning Sun for our established plants and pond.
- 4) affects on our property value
- 5) too dense and crowded 3 lots under 6,000 sq ft
- 6) the issue of additional construction and the 3 home requirements
- 7) less the compatibility of a one house lot
- 8) more noise and use of (3) neighbors vs. (1).

Thank you for your consideration on these issues. We are looking forward to a positive outcome of this request to the Department of Planning, Building & Code Enforcement. Keeping Willow Glen to lot size standards and fewer box homes.

Sincerely,

Mr. & Mrs. Alexander Putintsev  
1507 Hamilton Avenue  
San Jose, California 95125

---

Delicious ideas to please the pickiest eaters. [Watch the video on AOL Living.](#)

# Memorandum

**TO:** Avril Baty  
Planning and Building

**FROM:** Ebrahim Sohrabi  
Public Works

**SUBJECT:** FINAL RESPONSE TO  
DEVELOPMENT APPLICATION

**DATE:** 11/02/07

---

PLANNING NO.: PDC07-079  
DESCRIPTION: Planned Development Rezoning from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single family residential on a 0.4 gross acre site.  
LOCATION: southwest corner between Keesling Ave and Hamilton Way  
P.W. NUMBER: 3-18301

Public Works received the subject project on 10/10/07 and submits the following comments and requirements.

## Project Conditions:

**Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Parcel Map by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.

1. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
2. **Transportation:** This project is exempt from the Level of Service (LOS) Policy, and no further LOS analysis is required because the project proposes 25 units of Single Family attached or less.
3. **Grading/Geology:**
  - a) A grading permit is required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. An erosion control plan may be required with the grading application.
  - b) The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a

grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

4. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) that include site design measures, source controls, and stormwater treatment controls to minimize stormwater pollutant discharges. Post-construction treatment control measures, shown on the project's Stormwater Control Plan, shall meet the numeric sizing design criteria specified in City Policy 6-29 -or- the project shall provide an Alternative Measure, where installation of post-construction treatment control measures are impracticable, subject to the approval of the Director of Planning, Building & Code Enforcement.
  - a) The project's preliminary Stormwater Control Plan and numeric sizing calculations have been reviewed. At PD stage, submit the final Stormwater Control Plan and numeric sizing calculations.
  - b) Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
  - c) A post construction Final Report is required by the Director of Public Works from a Civil Engineer retained by the owner to observe the installation of the BMPs and stating the all post construction storm water pollution control BMPs have been installed as indicated in the approved plans and all significant changes have been reviewed and approved in advance by the Department of Public Works.
5. **Flood: Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for zone D.
6. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
7. **Parks:** In accordance with the Parkland Dedication and Park Impact Ordinances (SJMC 19.38/14.25), the park impact fee will be due for any additional living units that are built.
8. **Street Improvements:**
  - a) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
  - b) The project frontage along Keesling Avenue currently has rolled curb. Construct City standard curb and gutter along Keesling Avenue.
  - c) The project frontage along Hamilton Avenue will be improved and constructed by the City's Capital Improvement program. Coordination is required at the Improvement plan stage.

- d) Close unused driveway cut(s).
  - e) Proposed driveway width to be 26'.
  - f) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
9. **Complexity Surcharge:** Based on established criteria, the public improvements associated with this project have been rated medium complexity. An additional surcharge of 25% will be added to the Engineering & Inspection (E&I) fee collected at the street improvement stage.
10. **Sanitary:** Submit a conceptive sanitary sewer plan at the PD permit stage.
11. **Electrical:**
- a) Install electrolier(s) on Keesling Avenue frontage.
  - b) Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans
12. **Street Trees:**
- a) The locations of the street trees will be determined at the street improvement stage. Street trees shown on this permit are conceptual only.
  - b) Contact the City Arborist at (408) 277-2756 for the designated street tree.
  - c) Show all existing trees by species and diameter that are to be retained or removed. Obtain a street tree removal permit for any street trees that are over 6 feet in height that are proposed to be removed.
13. **Private Streets:**
- a) Per Common Interest Development (CID) Ordinance, all common infrastructure improvements shall be designed and constructed in accordance with the current CID standards.
  - b) The plan set includes details of private infrastructure improvements. The details are shown for information only; final design shall require the approval of the Director of Public Works.

Please contact the Project Engineer, Vivian Tom, at (408) 535-6819 if you have any questions.



Ebrahim Sohrabi  
Senior Civil Engineer  
Transportation and Development Services Division